IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 22563 of 2007(J)

PETITIONER:

PROF. CICILIAMMA JOSEPH AUSEPHPARAMBIL
MEMORIAL TRUST, REG.NO.3255/2000, KOZHA ROAD,
KURAVILANGAD, KOTTAYAM DISTRICT, REPRESENTED BY
ITS MANAGING TRUSTEE, PROF.PHILOMINA JOSEPH(RETD.)
NIRMALAGIRI COLLEGE, KOOTHUPARAMBA, KANNUR DIST.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF
COLLEGIATE EDUCATION, GOVERNMENT SECRETARIAT,
TRIVANDRUM-695 001.

2. PRINCIPAL,
DEVAMATHA COLLEGE, KURAVILANGAD, KOTTAYAM DISTRICT

3. THE SECTION OFFICER,
O/O. THE ACCOUNTANT GENERAL (A & E),
GOVERNMENT OF KERALA, TRIVANDRUM.

4. THE TREASURY OFFICER, OZHOOR.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 22563 of 2007

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Dated this the 24th day of July, 2007.

J U D G M E N T

Petitioner herein, Prof.Philomina Joseph, is stated to be the sister of Prof. Ciciliamma Joseph Ausephparambil who had been working as Head of Department of Physical Education in an aided college. Prof. Ciciliamma died a spinster.

2. It appears that petitioner, her sister and other near relatives have formed a Trust in the name of deceased Ciciliamma. A copy of the Trust Deed is on record as Ext.P1. The trustees have made a provision in the Deed for utilising the retiral benefits of Prof.Ciciliamma for some noble causes as indicated in Ext.P1. But the retiral benefits have not yet been disbursed to the legal heirs of Prof. Ciciliamma. Petitioner has produced the Succession Certificate showing the details of the legal heirs.

3. The anxiety of the petitioner is that any delay in disbursement of the retiral benefits of Prof. Ciciliamma may result in undue hardship and loss as far as the functioning of the Trust is concerned. Petitioner has preferred Ext.P5 representation before respondent No.1 praying for early disbursement of the retiral benefits. Learned Senior counsel prays that an appropriate direction may be issued to respondent No.1 to do the needful expeditiously for disbursement of the retiral benefits.

4. Learned Government Pleader submits that if Ext.P5 has been preferred by the petitioner as contended by her, an appropriate decision thereon will be taken without any further delay.

5. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P5 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within 4 months from the date of receipt of a copy of this judgment. Needless to mention, petitioner or any other authorised representative of the Trustees shall be afforded sufficient opportunity to be heard before any orders are passed.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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